

## District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Beckley

Date: 8/23/2017

Case Number 5:16-cr-00221

Case Style: USA vs. Michael Kostenko

Type of hearing Sentencing

Before the honorable: 2516-Berger

Court Reporter Lisa Cook

Courtroom Deputy Kierstin Tudor

Attorney(s) for the Plaintiff or Government Miller Bushong & Eric Bacaj

Attorney(s) for the Defendant(s) E. Ward Morgan & Derrick Lefler

Law Clerk Cynthia Wildfire

Probation Officer Jeff Gwinn

Trial Time

Non-Trial Time

Court Time

9:59 am to 12:23 pm

Total Court Time: 2 Hours 24 Minutes Non-Trial Time/Uncontested Time

Courtroom Notes

Scheduled Start 10:00 a.m.

Actual Start 9:59 a.m.

Defendant present in person and by counsel for sentencing as to Count Seven.

Counsel note appearances on the record.

Defendant placed under oath.

Court addresses PSR and remaining objections.

Court ADOPTS findings in PSR except as noted.

Probation to file PSR in court file under seal.

Court ACCEPTS plea agreement.

Court makes findings re: applicable U.S.S.G. ranges.

Court addresses 3553(a) factors and hears from parties re: relevant sentencing issues.

Defendant calls CHARLOTTE PRITT; oath given.

Direct by Mr. Morgan.

Defendant speaks on his own behalf.

After considering advisory U.S.S.G. ranges and 3553(a) factors, Court IMPOSES sentence as follows:

Custody: 240 months

Supervised Release: 5 years

Fine: \$50,000

Assessment: \$100

Court states reasons for sentence imposed.

Defendant advised of right to appeal.

Counts 1-6 and 8-22 are DISMISSED upon motion of Government.

Court will appoint new counsel on appeal.

Defendant REMANDED.

Court recessed at 12:23 p.m.